

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

RAYMOND KEITH THOMAS

PLAINTIFF

VERSUS

CIVIL ACTION NO. 5:22-cv-81-DCB-ASH

J. BURKE, Medical Doctor

DEFENDANT

REPORT AND RECOMMENDATION

This matter is before the Court on pro se Plaintiff Raymond Keith Thomas's Motion to Dismiss [53] this civil action without prejudice. Defendant filed his Response [55] stating that he "does not oppose the motion." The undersigned recommends that Plaintiff's Motion to Dismiss [53] this civil action without prejudice be granted.

NOTICE OF RIGHT TO OBJECT

In accordance with the Rules of this Court, any party may serve and file written objections to the recommendations, with a copy<sup>1</sup> to the United States District Judge, the Magistrate Judge, and the opposing party, within fourteen days after being served a copy of this recommendation. Failure to timely file written objections to proposed findings, conclusions, and recommendations contained within this report and recommendation will bar that party from attacking on appeal unobjected to proposed factual findings and legal conclusions accepted by the District Court, except on the grounds of plain error. *See* 28 U.S.C. § 636; Fed. R. Civ. P. 72(b); *Alexander v. Verizon Wireless Servs., L.L.C.*, 875 F.3d 243, 248 (5th Cir. 2017).

RESPECTFULLY SUBMITTED, this the 14th day of January, 2025.

*s/ Andrew S. Harris*  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> Where a document is served by mail, the party is considered to have been served on the date the document is mailed by the Court. *See* Fed. R. Civ. P. 5(b)(2)(C).